

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

In re §  
SILICA PRODUCTS LIABILITY § MDL No. 1553  
LITIGATION §  
§  
§

**ORDER**

On this day came on to be considered the motion of Henry Lee Cook, an inmate in the custody of the Texas Department of Criminal Justice, to “settle” his alleged claim with regard to the above-styled multi-district litigation. (D.E. 2110). For the reasons set forth below, Mr. Cook’s motion is hereby DENIED.

First, there are no MDL 1553 member cases actively pending before this Court. Rather, all MDL 1553 member cases have been either REMANDED or DISMISSED, and are no longer pending before this Court. Further, even if any MDL 1553 member cases were still pending before this Court, the Court would still deny Mr. Cook’s motion, because Mr. Cook is not a party to any MDL 1553 member case. Rather, Mr. Cook’s only tangential involvement in MDL 1553 is a letter he wrote to the Court on September 19, 2005, seeking to bring to the Court’s attention the actions of one of Mr. Cook’s fellow inmates. (D.E. 1995). Specifically, Mr. Cook wrote that a fellow inmate had supposedly filed a “false asbestos [sic] claim” and “laughs about beating 3 child molestation’s [sic] charge’s [sic] of harris [sic] County Houston”. (Id., pp. 1-2). Mr. Cook’s letter does not reference any alleged claim on behalf of Mr. Cook, rather, Mr. Cook only seeks to complain about the alleged actions of his fellow inmate. (Id.). This

letter regarding another inmate does not make Mr. Cook a party to any MDL 1553 member case.

Accordingly, because there are no MDL 1553 member cases currently pending before this Court, and because Mr. Cook is not a party to any MDL 1553 member case, Mr. Cook's motion to "settle" (D.E. 2110) is hereby DENIED.

SIGNED and ENTERED this 14<sup>th</sup> day of November, 2008.



Janis Graham Jack  
United States District Judge